

United States Bankruptcy Court  
District of Puerto Rico

IN RE:

Case No. 09-10130 SEK

RIVERA DAVILA, JOSE

Chapter 13

Debtor(s)

CHAPTER 13 PAYMENT PLAN

1. The future earnings of the Debtor(s) are submitted to the supervision and control of the Trustee and the Debtor(s) shall make payments to the Trustee ☒ directly ☐ by payroll deductions as hereinafter provided in the PAYMENT PLAN SCHEDULE.
2. The Trustee shall distribute the funds so received as hereinafter provided in the DISBURSEMENT SCHEDULE.

PLAN DATED:

☒ AMENDED PLAN DATED: 12/30/2009

☐ PRE ☐ POST-CONFIRMATION

Filed by: ☒ Debtor ☐ Trustee ☐ Other

I. PAYMENT PLAN SCHEDULE

\$ 400.00 x 28 = \$ 11,200.00  
\$ 680.00 x 32 = \$ 21,760.00  
\$ \_\_\_\_\_ x \_\_\_\_\_ = \$ \_\_\_\_\_  
\$ \_\_\_\_\_ x \_\_\_\_\_ = \$ \_\_\_\_\_  
\$ \_\_\_\_\_ x \_\_\_\_\_ = \$ \_\_\_\_\_

TOTAL: \$ 32,960.00

Additional Payments:

\$ \_\_\_\_\_ to be paid as a LUMP SUM  
within \_\_\_\_\_ with proceeds to come from:

☐ Sale of Property identified as follows:

☐ Other:

Periodic Payments to be made other than, and in  
addition to the above:

\$ \_\_\_\_\_ x \_\_\_\_\_ = \$ \_\_\_\_\_

PROPOSED BASE: \$ 32,960.00

III. ATTORNEY'S FEES  
(Treated as § 507 Priorities)

Outstanding balance as per Rule 2016(b) Fee  
Disclosure Statement: \$ 2,900.00

Signed: /s/ JOSE RIVERA DAVILA  
Debtor

Joint Debtor

II. DISBURSEMENT SCHEDULE

A. ADEQUATE PROTECTION PAYMENTS OR \$ \_\_\_\_\_

B. SECURED CLAIMS:

☐ Debtor represents no secured claims.

☒ Creditors having secured claims will retain their liens and shall be paid as follows:

1. ☒ Trustee pays secured ARREARS:

Cr. DORAL BANK Cr. \_\_\_\_\_ Cr. \_\_\_\_\_  
# 1599 # \_\_\_\_\_ # \_\_\_\_\_  
\$ 4,864.62 \$ \_\_\_\_\_ \$ \_\_\_\_\_

2. ☐ Trustee pays IN FULL Secured Claims:

Cr. \_\_\_\_\_ Cr. \_\_\_\_\_ Cr. \_\_\_\_\_  
# \_\_\_\_\_ # \_\_\_\_\_ # \_\_\_\_\_  
\$ \_\_\_\_\_ \$ \_\_\_\_\_ \$ \_\_\_\_\_

3. ☐ Trustee pays VALUE OF COLLATERAL:

Cr. \_\_\_\_\_ Cr. \_\_\_\_\_ Cr. \_\_\_\_\_  
# \_\_\_\_\_ # \_\_\_\_\_ # \_\_\_\_\_  
\$ \_\_\_\_\_ \$ \_\_\_\_\_ \$ \_\_\_\_\_

4. ☒ Debtor SURRENDERS COLLATERAL to Lien Holder:

COOP A/C GEREN C COOP A/C GEREN C

5. ☐ Other:

6. ☒ Debtor otherwise maintains regular payments directly to:

DORAL BANK

C. PRIORITIES: The Trustee shall pay priorities in accordance with the law.  
11 U.S.C. § 507 and § 1322(a)(2)

D. UNSECURED CLAIMS: Plan ☒ Classifies ☐ Does not Classify Claims.

1. (a) Class A: ☐ Co-debtor Claims / ☐ Other:

☐ Paid 100% / ☐ Other:

Cr. COOP A/C GEREN C Cr. COOP A/C SANTA IS Cr. \_\_\_\_\_

# 0873 # 1003 # \_\_\_\_\_  
\$ 23,815.52 \$ 16,757.55 \$ \_\_\_\_\_

2. Unsecured Claims otherwise receive PRO-RATA disbursements.

OTHER PROVISIONS: (Executory contracts; payment of interest to unsecureds, etc.)  
See Continuation Sheet

Attorney for Debtor Marilyn Valdes Ortega Law Offices

Phone: (787) 758-4400

Debtor(s)

CHAPTER 13 PAYMENT PLAN  
Continuation Sheet - Page 1 of 2

	Cr	#	\$
Executory Contracts - Assumed:	MERCEDES-BENZ FI		

**CHAPTER 13 PAYMENT PLAN**

**Continuation Sheet - Page 2 of 2**

TRUSTEE TO PAY ATTORNEY'S FEES BEFORE ANY SECURED OR PRIORITY CREDITOR.

PLAN WILL INCREASE WHEN DEBTOR PAYSOFF AUTO LOAN WITH MERCEDES-BENZ ACCOUNT ENDING NUMBER 6343

TRUSTEE WILL PAY ARREARS TO DCFS USA, LLC, ACCOUNT ENDING NUMBER 6343 , \$ 787.73, DEBTOR WILL MAINTAIN PAYMENTS AS OF DECEMBER 2009 AND ASSUME EXECUTORY CONTRACT.

ANY POST PETITION TAX RETURNS THAT MAY PROSPECTIVELY ARISE FROM ANY TAX REFUND FOR THE DURATION OF THE PLAN WILL BE USED AS NEEDED TO FUND THE PLAN IN ORDER TO MAXIMIZE THE DISTRIBUTION TO GENERAL UNSECURED CREDITORS, AFTER ITS CONFIRMATION AND WITHOUT THE NEED FOR ANY FURTHER NOTICE, HEARING OR COURT ORDER, THE PLAN SHALL BE DEEMED MODIFIED BY THE INCREMENT(S) TO ITS BASE.

ANY CHRISTMAS BONUS IF ANY THAT DEBTOR MAY PROSPECTIVELY RECEIVE FOR THE DURATION OF THE PLAN WILL BE PAID INTO THE PLAN, EXCEPT FOR THE FIRST \$1,000.00 DOLLARS AND THOSE AMOUNT REASONABLY NEEDED, WHICH WILL BE CONSULTED WITH THE TRUSTEE , SHOULD NO AGREEMENT BE REACHED WITH THE TRUSTEE IN THIS MATTER DEBTOR WILL MOVE THE COURT ACCORDINGLY, IN ORDER TO MAXIMIZE THE DISTRIBUTION TO GENERAL UNSECURED CREDITORS.

IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE DISTRICT OF PUERTO RICO

IN RE:

JOSE RIVERA DAVILA

Debtor(s)

CASE NO.; 09-10130 SEK

CHAPTER 13 (ASSET CASE)

CERTIFICATE OF SERVICE

TO THE HONORABLE COURT:

COMES (S) now Debtor(s) represented by the undersigned counsel and respectfully allege(s) and pray(s) as follows:

1. The undersigned attorney hereby certifies that has notified all creditors and persons with interest as per master address list of the Chapter 13, **AMENDED PLAN DATED 12/30/2009.**

**WHEREFORE**, it is respectfully requested from this Honorable Court to take notice of this service.

In San Juan, Puerto Rico, this 30<sup>TH</sup>, day of December, 2009.

**I HEREBY CERTIFY:** That I electronically filed the foregoing with the Clerk of the Court using the CM/ECF System which will send notification of such filing to the following: Chapter 13 Trustee **José R. Carrión, Esq.**, US Trustee **Monsita Lecaroz Arribas** and to all those who in this case have registered for receipt of notice by electronic mail and I hereby certify that I have mailed by regular mail to all creditors listed on the attached Master Address List.

**RESPECTFULLY SUBMITTED.**

/S/MARILYN VALDES ORTEGA  
**MARILYN VALDES ORTEGA**  
USDC PR 214711  
P.O.Box 195596  
San Juan, PR 00919-5596  
Tel. (787) 758-4400  
Fax. (787) 763-0144

Label Matrix for local noticing  
0104-3  
Case 09-10130-SZX13  
District of Puerto Rico  
Old San Juan  
Wed Dec 30 13:34:19 AST 2009

BBVA BANCO  
PO BOX 71113  
SAN JUAN, PR 00936-8013

COOP A/C GEREN COOP  
AVENIDA CONDADO 605  
COND. SAN ALBERTO #504  
SANTURCE, PR 00907-3817

DEPARTAMENTO DE HACIENDA  
PO BOX 9024140  
OFICINA 424 B  
SAN JUAN, PR 00902-4140

FEDERAL LITIGATION DEPT OF JUSTICE  
PO BOX 9020192  
SAN JUAN, PR 00902-0192

GORDONS CREDIT PLAN  
PROCESSING CENTER  
DES MOINES, IA 50364-0001

MERCEDES-BENZ FINANCIAL  
PO BOX 9001680  
LOUISVILLE, KY 40290-1680

SEARS CREDIT CARDS  
P.O. BOX 183081  
COLUMBUS, OH 43218-3081

JOSE RAMON CARRION MORALES  
PO BOX 9023884  
SAN JUAN, PR 00902-3884

GEREN COOP  
Osvaldo Toledo Martinez  
1200 Ave. Ponce de Leon  
Santurce, PR 00907-3918

CITIFINANCIAL PLUS  
CALLE LUIS MUNOZ RIVERA 12  
SALINAS, PR 00751-3222

COOP A/C SANTA ISABEL  
PO BOX 812  
SANTA ISABEL, PR 00757-0812

DEPARTAMENTO DEL TRABAJO  
AVE. MUOZ RIVERA 505  
HATO REY, PR 00918-3352

FIA CARD SERVICES  
PO BOX 15019  
WILMINGTON, DE 19886-5019

(p)INTERNAL REVENUE SERVICE  
CENTRALIZED INSOLVENCY OPERATIONS  
PO BOX 21126  
PHILADELPHIA PA 19114-0326

SANTANDER FINANCIAL D/B/A ISLAND FINANCE  
PO BOX 195369  
SAN JUAN PR, 00919-5369

THE HOME DEPOT  
PROCESSING CENTER  
DES MOINES, IA 50364-0500

MARILYN VALDES ORTEGA  
VALDES-ORTEGA  
P O BOX 195596  
SAN JUAN, PR 00919-5596

US Bankruptcy Court District of P.R.  
U.S. Post Office and Courthouse Building  
300 Recinto Sur Street, Room 109  
San Juan, PR 00901-1964

CITIFINANCIAL RETAIL SERVICES DE PR  
PO BOX 71328  
SAN JUAN, PR 00936-8428

DCFS USA LLC  
Trustee Payments  
PO Box 9001683  
Louisville, KY 40290-1683

DORAL BANK  
PO BOX 71306  
SAN JUAN, PR 00936-8406

GE MONEY BANK  
PO BOX 960061  
ORLANDO, FL 32896-0004

ISLAND FINANCE  
130 EXP. MARTINEZ NADAL 103  
GUAYNABO, PR 00969

SEARS  
PO BOX 183081  
COLUMBUS, OH 43218-3081

JOSE RIVERA DAVILA  
PO BOX 702  
CANOVANAS, PR 00729-0702

MONSITA LECAROS ARRIBAS  
OFFICE OF THE US TRUSTEE (UST)  
OCHOA BUILDING  
500 TANCA STREET SUITE 301  
SAN JUAN, PR 00901-1938

The preferred mailing address (p) above has been substituted for the following entity/entities as so specified by said entity/entities in a Notice of Address filed pursuant to 11 U.S.C. 342(f) and Fed.R.Bank.P. 2002 (g)(4).

INTERNAL REVENUE SERVICE  
MERCANTIL PLAZA BLDG, ROOM 1014  
2 PONCE DE LEON AVE. STOP 27 1/2  
SAN JUAN, PR 00918-1693

The following recipients may be/have been bypassed for notice due to an undeliverable (u) or duplicate (d) address.

(u)RIVERA DAVILA, JOSE

End of Label Matrix	
Mailable recipients	26
Bypassed recipients	1
Total	27